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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional)	
		20811/0204741-US0	
		Application Number	Filed
		10/563,337-Conf. #8841	January 3, 2006
		First Named Inventor Siegried Keoppen et al.	
		Art Unit	Examiner
		2431	Sarah Su
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <p><input type="checkbox"/> applicant /inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>40,833</u></p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. _____</p> <p> Signature</p> <p><u>Erik R. Swanson</u> Typed or printed name</p> <p><u>(212) 527-7700</u> Telephone number</p> <p><u>June 18, 2009</u> Date</p> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p> <p><input type="checkbox"/> *Total of <u>1</u> forms are submitted.</p>			

Docket No.: 20811/0204741-US0
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Siegried KOEPPEN et al.

Conf. No.: 8841

Application No.: 10/563,337

Art Unit: 2431

Filed: January 3, 2006

Examiner: Sarah Su

For: METHOD FOR USE IN A NETWORK BASED
SAFETY DATA STORAGE SYSTEM

REASONS IN SUPPORT OF PRE-APPEAL BRIEF REQUEST FOR REVIEW

MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

June 18, 2009

Dear Sir:

In accordance with the Pre-Appeal Brief Conference Program, Applicants hereby respectfully request a pre-appeal brief panel review of the final Office Action mailed February 18, 2009 and the Advisory Action mailed May 6, 2009 in the above-identified patent application.¹ The present Request is filed concurrent with the filing of a Notice of Appeal, payment of the appropriate fees, and before the filing of an Appeal Brief. No amendments are being filed with this request. Review is requested for the following reasons:

**I. THE RESPECTIVE COMBINATIONS OF DE JONG, CHALLENGER, PERLMAN,
AND WINIGER FAIL TO RENDER ANY CLAIMS OBVIOUS**

[A] Background

Claims 2-16 are pending in the present application. Claims 2-10 and 13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Published Application No. 2004/0054750 to de Jong et al. ("de Jong") in view of U.S. Published Application No.

¹ The Advisory Action entered the claim amendments submitted in response to the Final Office Action.

2003/0174842 to Challenger. Claims 14-16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over de Jong in view of Challenger and further in view of U.S. Patent No. 5,901,227 to Perlman. Claims 11-12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over de Jong in view of Challenger and further in view of U.S. Published Application No. 2004/0010715 to Winiger et al. ("Winiger").

Independent claim 2 of the present application is directed to a method for data storage on a server in a telecommunications network. Claim 2 recites, in part, setting up a personal main folder on the server for a first user and configuring the personal main folder to have a functional locker that provides, *inter alia*, "a personal locker, wherein a reference to first files of the first user is storable in the personal locker only by the first user and displayable only to the first user."

The Advisory Action states that de Jong

discloses that the content producer (i.e., first user) provides a description of a digital content to a content provisioner (0175, lines 4-8). De Jong also discloses that a contents rights database in a content provisioner stores an association between users and a description of the digital content that the users are authorized to access (0169, lines 6-9). Therefore, the database may allow a single user access or multiple users access.

Advisory Action, Continuation Sheet, continuation of item 11.

[B] The Combination of de Jong and Challenger Fails to Teach or Suggest a Personal Locker Where a Reference To a First User's First Files is Storable By, and Displayable Only To, the First User, as Recited in Claim 2

De Jong describes a system for digital access control in which a content rights database 2714 stores an association between a user 2702 and a description of digital content that the user is authorized to access. A content producer 2710 provides digital content to a content repository 2708, and provides a description of the content to a content provisioner 2724. De Jong, ¶¶ 0169-170; Fig. 27.

Challener describes a system and method for storing a user's private key on a TCPA-enabled server. Abstract. Challener describes that asymmetric encryption is performed using both a public key and a private key. The private key is only available to a recipient of a confidential communication. Challener, ¶ 0004.

It is respectfully submitted that de Jong nowhere teaches, or suggests, "a personal locker, wherein a reference to first files of the first user is storable in the personal locker only by the first user and displayable only to the first user," as recited in independent claim 2. In contrast, in de Jong the content provider 2710 provides a content description and the content rights database 2714 stores an association between the user 2702 and the description of the content. The user 2702 stores no reference to file of the user, as required by claim 2. It is respectfully submitted that there is a clear distinction in de Jong between the user 2702 (i.e., one who issues an access request) and the content producer 2710 (i.e., a system component that stores digital content) and the content rights database 2714 (i.e., a system component that stores an association between the user 2702 and a description of the digital content). Nowhere does de Jong teach, or suggest, that a user stores a reference to files of the user, as recited in claim 2. Nor does de Jong anywhere teach or suggest such reference is only displayable to the user, as recited in claim 2.

Nor do any of Challener, Perlman, or Winiger teach or suggest the features of claim 2 demonstrated above to be missing from de Jong. Accordingly, any combination of de Jong, Challener, Perlman, and Winiger, to the extent proper, could not render independent claim 2, or dependent claims 3-16, obvious.

CONCLUSION

For the foregoing reasons, Applicants respectfully request a review of the rejection of all of the pending claims, and the withdrawal of these rejections under 35 U.S.C. § 103(a).

The Commissioner is hereby authorized to charge any unpaid fees deemed required in connection with this submission, including any additional filing or application processing fees required under 37 C.F.R. §1.16 or 1.17, or to credit any overpayment, to Deposit Account No. 04-0100.

Dated: June 18, 2009

Respectfully submitted

By 

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